



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

GLORIA MILES,
Plaintiff,

vs

**SECRETARY OF VETERANS
AFFAIRS,**
Defendants.

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CIVIL ACTION NO: 1:05-cv-240

**MEMORANDUM ORDER
ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION
AND DISMISSING CASE**

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition of pretrial matters and proceedings. Pending before the Court is the Defendant Secretary's *Motion to Dismiss* [Clerk's doc. #2].

In the motion, Defendant argued that the plaintiff's claims should be dismissed for lack of jurisdiction. On July 21, 2005, Judge Giblin issued a *Report and Recommendation* on the motion to dismiss [Clerk's doc. #4]. He found that this court lacks jurisdiction over Ms. Miles' claims and recommended that the Court grant Defendant's motion and dismiss her case.

To date, no party has objected to the *Report and Recommendation*. Accordingly, having considered the *Report and Recommendation* and the record in this cause, the Court agrees with the magistrate's *Report*. Judge Giblin's *Report and Recommendation* sets out the limits on this court's jurisdiction, and the Court agrees with his findings of fact and conclusions of law.

Accordingly, the Court **ORDERS** that the Magistrate's *Report and Recommendation* [Clerk's doc. #4] is **ADOPTED**. The Defendant's *Motion to Dismiss* [Clerk's doc. #2] is **GRANTED**. The Court **ORDERS** that Plaintiff's pleading [Clerk's doc. #1] is **DISMISSED** for lack of subject matter jurisdiction. All motions not addressed herein are denied as **MOOT** and this matter shall be closed.

SIGNED at BEAUMONT, Texas, on this the 17 day of August, 2005.



HOWELL COBB
UNITED STATES DISTRICT JUDGE